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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,114	01/04/2000	JOSEPH O. NORRIS	T-4885.CIP	1266
	7590 07/26/200 TH & WESTERN LLI	EXAMINER		
	IN W NORTH/SMP	LEE, PING		
PO BOX 1219 SANDY, UT 84091-1219			ART UNIT	PAPER NUMBER
			2615	
			MAIL DATE	DELIVERY MODE
			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary Summary		Application No.	Applicant(s)				
Examiner Ping Lee 2815 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exeminors of time may be apacitate under the approximent at 37 CPR 1.156(b), the owner, however, may a reply be timely filed. If NO period for reply a specified above, the maximum dations yeared will appear and will appear to the menting gate of the communication. Features to stay within the sector extended period for reply will, by statuted yeared will appear and will appear and will appear to the menting gate of the communication is the mailing date of the communication. Even it temps filed, may reduce any starting seeds term adjustment. See 37 CPR 1.70(b). Status 1)							
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CPR 1.136(a). In event, however, may a reply be timely filled after SX (6) MONTHS from the making date of this communication. Faults to reply within the set or communication. Faults to reply within the set or controlled period for regly with ly states or communication, even if timely fried, may reduce any seamed paths term adjustment. Set 37 CPR 1.734(s). Status 1) ☑ Responsive to communication(s) filled on 23 April 2007. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1.18 and 41.64 is/are pending in the application. 4a) Of the above claim(s) 2.18 and 42.64 is/are withdrawn from consideration. 5) ☐ Claim(s) 1.41 is/are rejected. 7) ☐ Claim(s) 1.41 is/are rejected. 7) ☐ Claim(s) 1.41 is/are rejected. 8) ☐ Claim(s) 1.41 is/are rejected. 10) ☐ The drawing(s) filed onis/are. a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed onis/are. a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in absyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ See of the prio		pears on the cover si	neet with the correspondence address				
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Art Unit: 2615

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 and 41 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of copending Application No. 11/196,803. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed pressure means read on the applied tension in claim 1 of '803, a plurality apertures read on a plurality of conduits in claim 1 of '803; a thin piezoelectric film reads on the ESMR film comprised of a PVDF material and electrical contact reads on the point where the variable electrical signal applied to the film.

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This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pwl